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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,709	02/15/2002	Bruce G. MacGregor	STE01 P-1113	1804

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EXAMINER

KATCHEVES, BASIL S

ART UNIT PAPER NUMBER

3635

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/076,709

Applicant(s)

MACGREGOR ET AL.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 25-36 and 53-62 is/are rejected.
- 7) ☒ Claim(s) 37 and 63 is/are objected to.
- 8) ☒ Claim(s) 23, 24, 38-52 and 64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Claims 23, 24, 38-52 and 64 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected groups II and III there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

Applicant's election with traverse of group I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the additional search could be made without serious burden. This is not found persuasive because the groups, being different, are classified differently and would require separate searches.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-12, 14-17, 20, 22, 25-35, and 53-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,115,978 to Bastian et al in view of U.S. Patent No. 6,253,509 to Hellwig et al.

Regarding claims 1, 4, 10, 14, 15, 16, 20, 22, 25, 26, 28, 53 and 57, Bastian discloses a partition panel system comprised of a rigid pair of vertical and horizontal

outer frame members (fig. 3: 13, 16, 18, 21), and parallel horizontal members located inside the outer frame (fig. 3: 19a, 19c, 19d). Bastian also discloses a modular appliance mounted on a horizontal member (fig. 3: 20d), a cover panel between the appliance and a vertical frame member (fig. 3: 20c) having protruding connectors and cover panels between the horizontal members and outer frame members (fig. 3: 20a, 20f). However, Bastian does not disclose the horizontal members as having attachment locations. Hellwig discloses a partition wall system comprised of outer frame members and intermediate horizontal member with attachment locations (fig. 3: 31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bastian by adding attachment locations on the horizontal members in order to better secure the panels to the wall.

Regarding claim 2, Bastian discloses a horizontal member proximate to the upper edge of the panel (fig. 3: 16 & 25).

Regarding claim 3, Bastian discloses a horizontal member proximate to the lower edge of the panel (fig. 3: 18).

Regarding claims 5, 11, 54 and 55, Bastian discloses mounting brackets attached to the intermediate horizontal member (fig. 3: below 19a and below 19d).

Regarding claims 6 and 17, Bastian discloses the panel as being used for a variety of applications (column 1, line 10). Bastian does not specifically disclose a power receptical on the panel. Hellwig discloses power recepticals on the panel (fig. 3). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify Bastian by adding power recepticals, as disclosed by hellwig, in order to power lab equipment.

Claims 7, 8, 18, 19 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,115,978 to Bastian et al in view of U.S. Patent No. 6,253,509 to Hellwig et al. further in view of U.S. Patent No. 5,980,279 to Muller.

Regarding claims 7, 18 and 21, Bastian in view of Hellwig does not disclose a storage unit with a shelf in the panel. Muller discloses a storage unit for electrical outlets and shelf (fig. 2: 60) folded into a surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bastian in view of Hellwig by adding the unit disclosed by Muller in order to provide a power to electrical equipment while saving space.

Regarding claims 8 and 19, Muller discloses the shelf (fig. 2: 60) as extending outward of a plane.

Regarding claims 9 and 12, Bastian in view of Hellwig does not disclose attachment locations as being threaded. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bastian in view of Hellwig by using threaded attachment holes in order to create a more secure fit, as bolts and threaded holes are commonly used to secure two items together and provide for structural stability.

Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,115,978 to Bastian et al in view of U.S. Patent No. 6,253,509 to Hellwig et al. further in view of U.S. Patent No. 6,101,773 to Chau et al.

Regarding claim 13, Bastian in view of Hellwig does not disclose an opening in a cover panel with a connector fitting inside the opening and attached to a horizontal member. Chau discloses an opening in a partition cover panel (fig. 3: 24) connected to a horizontal frame member (fig. 7: 122) via a connector (fig. 7: 132). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify bastian in view of Hellwig by using a hole and connector to attach the cover panel, as disclosed by Chau, in order to provide easy access to underlying cables and connectors.

Regarding claims 27 and 31, Bastian discloses repositionable support members (fig. 3).

Regarding claim 29, Bastian discloses support members parallel to the outer frame (fig. 3).

Regarding claims 30 and 35, Bastian discloses the appliance as being secured to a frame member and support member and between the two (fig. 3: 20d).

Regarding claims 32 and 34, Bastian discloses a second cover defining a portion of the panel surface (fig. 3: 20a, 20b, 20c, 203, 20f).

Regarding claim 33, Bastian discloses additional support members being vertically repositionable (fig. 3: 19a, 19d).

Claims 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,115,978 to Bastian et al in view of U.S. Patent No. 6,253,509 to Hellwig et al. further in view of U.S. Patent No. 5,537,290 to Brown et al.

Regarding claim 36, Bastian in view of Hellwig does not disclose an articulating support arm for a flat screen display. Brown discloses an articulating support arm for a flat screen display mounted to a panel (fig. 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bastian in view of Hellwig by adding the display and support arm disclosed by brown in order to save space while providing access to work equipment.

Regarding claims 56, 60 and 61, Bastian discloses clips in the covers (column 3, lines 14-16).

Regarding claim 58, Bastian discloses the basic claim structure of the panel but discloses horizontal support members, not vertical support members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bastian bu rotating the frame 90 degrees in order to provide vertical support members to accommodate appliance units having varying shapes.

Regarding claim 59, Bastian discloses vertically extending frame members (fig. 3: 22) but not vertically extending support and bracket members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bastian by using vertically adjustable support and bracket members in order to

adjust the configuration to accommodate for the frame size change when the vertical members are elongated.

Regarding claim 62, Bastian discloses the support bracket as being horizontally repositionable (fig. 3: below 19a).

Claim Objections

Claims 37 and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claims 37 and 63, the prior art of record does not disclose a partition panel having a frame and a support member extending between parallel frame members, an appliance unit mounted to the support member between the support member and a frame member, a cover member covering the remaining portion of the panel and a second appliance unit located on the opposite side of the first appliance unit and the two appliance units are directly opposite each other in a back to back configuration.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

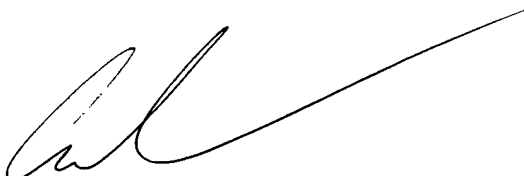
The cited patents listed on the included form PTO-892 further show the state of the art with respect to partition panels in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK 

12/4/03


Carl D. Friedman
Supervisory Patent Examiner
Group 3600